

### **REMARKS**

Claims 1-16, 22, and 23 stand rejected. Claims 17-21 were previously withdrawn from consideration in response to a restriction requirement. By this Amendment, to expedite prosecution of this application, claim 22 is amended. Claims 1-16, 22 and 23 remain currently pending in this application.

### **Interview Summary**

Applicant thanks Examiner Bui for his participation in a brief telephone conference with the undersigned on Friday, April 30, 2010. Claim 22 was discussed with respect to the Evans reference (U.S. 6,193,653). Applicant proposed an amendment to claim 22 substantially similar to that presented herein, and Examiner Bui indicated that such an amendment would overcome the Evans reference. No specific agreement was yet reached.

### **Section 102 Rejections**

The Office action rejected claims 22-23 as being allegedly anticipated by Evans (U.S. Pat. No. 6,193,653). Evans does not teach or suggest “wherein at least one of the top and bottom portions is connected to the vessel harvesting device to be operative to axially articulate.” However, in order to expedite prosecution, Applicant has amended claim 22 without prejudice, to recite “at least one of the top and bottom portions is connected to the vessel harvesting device to be operative to axially articulate with respect to the vessel harvesting device.” Evans fails to teach or suggest at least this limitation because Evans does not appear to teach or suggest a bottom portion or any portion that axially articulates with respect to the vessel harvesting device 10; therefore, Applicant respectfully requests withdrawal of the claim rejections under 35 U.S.C. § 102(e).

### **Double Patenting Rejections**

The Office action rejected claims 1-16 and 22-23 on the ground of nonstatutory obviousness-type double patenting as being allegedly unpatentable over the set of claims 1-14 of U.S. Pat. No. 6,740,102. Applicant is filing concurrently herewith a terminal disclaimer; therefore, Applicant respectfully requests withdrawal of the nonstatutory double patenting rejection.

**Conclusion**

For the reasons explained above, all pending claims are now in condition for allowance. Accordingly, the applicant respectfully requests that the Office issue a Notice of Allowance.

Any amendments to the claims are made to expedite prosecution of this application, without acquiescing to the Office's rejections or characterizations of the claims or references in the Office Action. Even if not expressly discussed above, the applicant respectfully traverses each of the rejections, assertions, and characterizations regarding the disclosure and teachings of the cited references, including the prior art status and the propriety of proposed combinations of cited references.

The applicant has made a good faith effort to respond to all rejections set forth in the Office Action and to place the pending claims in condition for immediate allowance. If the Examiner has any questions or comments, the Examiner is requested to contact the undersigned at 303/607-3709.

Respectfully submitted,

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Dated: May 5, 2010

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